

## SECTION II—REMARKS

Applicants thank the Examiner for a thorough review, and respectfully request reconsideration of the above referenced patent application for the following reasons:

### Objection to Affidavit under 37 C.F.R. § 1.131

The Office Action states that Applicants did not include the “SAP Invention Disclosure Form” document entitled, “*A Hierarchical Monitor Tree Employed within a JMX Interface*,” referenced by the Affidavit submitted with Applicants’ prior response dated February 25, 2009.

Applicants thank the Examiner for pointing out the oversight. Applicants respectfully submit concurrently herewith, a copy of the Affidavit and each of the pertinent documents referenced therein, including the “SAP Invention Disclosure Form” document entitled, “*A Hierarchical Monitor Tree Employed within a JMX Interface*.”

Applicants submit that submission of the Affidavit and its referenced documents satisfies the Examiner’s objection, and thus, Applicants respectfully request the Examiner to withdraw the objection to the Affidavit.

### Remarks regarding amendments to the Title

Applicants submitted a request to amend the title with the response filed May 08, 2008. The Examiner noted in the subsequent Office Action dated August 13, 2008, that “[t]he title of the invention is accepted and has been entered,” however, the title does not appear to be reflected correctly within the U.S. Patent and Trademark Office’s Patent Application Information Retrieval (“PAIR”) system.

Applicants thus respectfully request the Examiner's assistance in correcting the title for the present application in the PAIR system so that it reads as follows:

**Method and System for Employing a Hierarchical Monitor Tree for Monitoring System Resources in a Data Processing Environment.**

The above title corresponds with the request submitted on May 08, 2008, and does not introduce any further amendment.

**Claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, and 54-55 rejected under 35 U.S.C. § 103(a)**

The Office Action rejected claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, and 54-55 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,788,315 to Kekic et al. ("Kekic") in view of U.S. Patent 6,308,208 to Jung, et al. ("Jung"). Applicants respectfully disagree.

In the Office Action, the Examiner states that Kekic discloses, "arranging monitor managed beans ... in a hierarchical tree structure." Refer to the Office Action at page 3, first paragraph. In support of its rejection, the Office Action refers specifically to Kekic at column 5, line 34, column 16, line 15, column 23, line 22, and Figures 3A and 37A. The passages referenced by the Examiner disclose and depict in pertinent part:

The client-server network management system of this invention includes: a plurality of managed computer network elements, sometimes called managed elements; a managed element server that executes on a first computer; and at least one managed element server client that typically executes on a second computer. The managed element server and managed element server client are computer processes that execute from memory of their respective computers. [Refer to Kekic at column 5, lines 34-41.]

\* \* \*

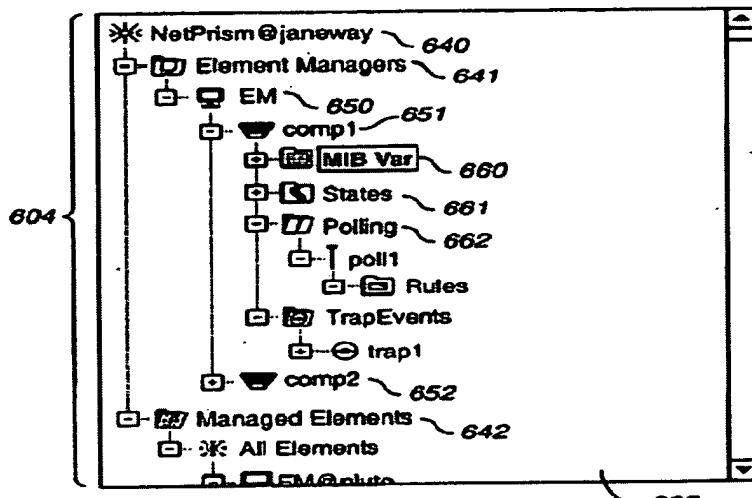
According to the principles of this invention, one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., **an element manager is associated with each of managed computer**

**network elements** 310 to 350. Herein, a management-enabled computer network element is any element in a computer network that can be managed using a computer network management protocol, such as SNMP. ... [Refer to column 16, line 14-27.]

\*\*\*

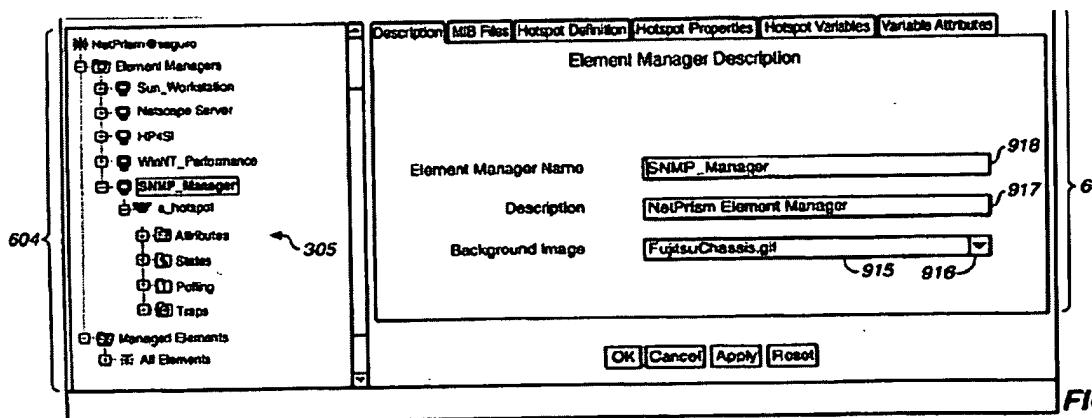
**Navigation tree area** 604, in this embodiment, displays a navigation tree 305 that is an object-oriented hierarchical representation of objects which represent (i) element managers and their attributes and (ii) managed elements and their attributes. ... [Refer to column 23, lines 22-33.]

[Displayed below is **Figure 6C** of Kekic, as referenced by the passage above and cited by the Examiner.]



**FIG. 6C**

[Displayed below is a portion of **Figure 37A** of Kekic, also showing elements 305 and 604 as referenced by the passage above and cited by the Examiner.]



**FIG. 37A**

Thus, Kekic discloses a “navigation tree 305,” as depicted above, for arranging the “plurality of managed computer network elements.” As stated by Kekic, each object of the “navigation tree 305” represents “element managers” and also “managed elements.”

Kekic naturally goes on to describe the “navigation tree 305” in further detail as it appears to be an important aspect of Kekic’s overall disclosure. Notably, Kekic describes in some detail that the nodes in the “navigation tree 305” correspond with, and textually as well as graphically represent, **physical computer** systems within Kekic’s network architecture. For example, refer to Kekic as follows:

Clicking on a pure attribute node of navigation tree 305 has no effect. Double-clicking on the node displays a panel containing the parameters of the attribute in work area 603. If the selected folder or attribute is associated with a computer network element, an image representing the physical computer network element is displayed in element image area 602. [Refer to Kekic at column 24, lines 32-38.]

Thus, Kekic’s “network element[s]” within the “navigation tree 305” correspond to, and “represent[] the **physical computer** network element [] displayed.” Kekic goes on to further emphasize the fact that each node or “network element” within the “navigation tree” represents “**physical computers**” within the network architecture. For example, refer to Kekic as follows:

... Typically, managed computer network elements are grouped by the location of the physical computer network elements, but the elements can be grouped in any desired manner.  
.... [Refer to Kekic at column 35, lines 19-33.]

\* \* \*

To define further management configuration details for an element manager, the group folder is highlighted in navigation tree 305. The managed computer network element that is associated with the element manager is a member of this group as well as member of the group All Elements. ... A panel is generated that lists physical computer network elements in the group and the associated element manager for each physical

**computer network element** [] displayed. When the user activates button Add, element configuration panel 3000 is generated in work area 603. [Refer to Kekic at column 46, lines 17-28.]

Thus, Kekic discloses and describes a “navigation tree 305” representative of various “**physical computer network elements**.”

The “hierarchical tree structure” claimed by Applicants appears to have created some confusion in light of the Kekic reference which utilizes similar terms, yet addresses and solves a different problem. Regardless of the terminology used by Kekic, Applicants’ “hierarchical tree structure” is in no way equivalent to that of Kekic’s “navigation tree 305.” Accordingly, Applicants have introduced clarifying language into amended independent claim 1 that more expressly defines the “hierarchical tree structure” claimed by Applicants. In particular, Applicants now recite in independent claim 1:

assigning each of a plurality of runtime beans to a respective one or more of a plurality of resources to be monitored, wherein **each of the plurality of runtime beans to provide** monitoring information regarding each of the respective one or more resources to be monitored **to a monitor bean associated with the runtime bean assigned to the respective resource**, the monitor bean one of a plurality of monitor beans in the monitoring architecture

**arranging the plurality of monitor beans into a hierarchical tree structure**, wherein each of the monitor beans to receive the monitoring information regarding the resource to be monitored from the runtime bean assigned to the monitor bean, and wherein each of the plurality of monitor beans in the hierarchical tree structure to be individually represented as a tree node of the hierarchical tree structure . . . .

Thus, as Applicants now recite in amended independent claim 1, the “hierarchical tree structure” as claimed by Applicants is not a representation of “**each physical computer network element**,” such as in the “navigation tree 305” described by Kekic, but rather, Applicants’ “hierarchical tree structure” includes an “arrang[ement of] the plurality of monitor beans.”

Furthermore, the “monitor beans” themselves do not represent “physical computer network elements” such as is those by Kekic, but rather, Applicants expressly recite in amended independent claim 1 that the “monitor beans” are to “receive the monitoring information regarding the resource to be monitored from the runtime bean assigned to the monitor bean.”

Claim 1 further recites that the “monitor beans” are to be “individually represented as a tree node of the hierarchical tree structure.”

Thus, the “monitor beans” or their corresponding “tree node” individual representations, as “arrang[ed]” within the “hierarchical tree structure” may be said to represent the “**monitoring information** regarding each of the respective one or more **resources to be monitored**,” as the monitor beans “**receive**” such information “from the runtime bean assigned to the monitor bean,” however, the “monitor beans” themselves in no way **represent** the “**physical computer** network elements” as described by Kekic.

Importantly, Kekic describes a system for “managing” the “**physical computer** network elements” themselves, which is why Kekic’s tree structure depicts and represents the actual “**physical computer** network elements.” Conversely, Applicants teach and claim a method in a “monitoring architecture,” that **monitors information** associated with “resources.” Because Applicants and Kekic each address a different problem, there will not be meaningful overlap between the solutions described by Kekic or the subject matter claimed by Applicants.

Jung does not cure the deficiencies of Kekic as it too fails to contemplate or disclose a “hierarchical tree structure” having an “arrang[ement of] the plurality of monitor beans,” as Applicants recite within independent claim 1 as amended herein.

Because Kekic and Jung, whether considered individually or in combination, fail to disclose at least one limitation as Applicants recite in amended independent claim 1, Applicants

respectfully submit that claim 1 is patentable over the references and in condition for allowance. Applicants further submit that independent claims 35 and 44, which recite similar limitations as those discussed above, as well as those claims which depend directly or indirectly upon independent claims 1, 35, and 44, are patentable over the references and in condition for allowance for at least the same reasons as discussed above with respect to independent claim 1.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to claims 1-3, 5, 7, 11-15, 35-37, 39, 44-46, and 54-55.

#### New Claims 67-68

Applicants respectfully submit that new claims 67-68 presented herein do not add new subject matter as the claims find support in the original specification as filed with the Application. For example, the specification teaches at paragraph 72:

[0072] Figure 8 illustrates an embodiment of a tree node 730 of a monitor tree. According to one embodiment, a hierarchical monitor tree 714 may be created to provide a grouping of monitoring agents (e.g., monitor bean 716) and the resources 726 associated with the monitoring agents, to provide a more manageable monitoring architecture. **Although the monitoring agents and their corresponding resources may be grouped in a monitor tree, they are individually represented as tree nodes, and provide individual reporting of each of the resources, releasing the module developer from programmatically reporting the monitoring data to a central location.**

Applicants further submit that new claims 67-68 are patentable over the prior art of record and in condition for allowance for at least the reasons stated above with respect to independent claim 1 rejected under 35 U.S.C. § 103, as the claims depend directly or indirectly upon the independent base claims discussed above.

Accordingly, Applicants respectfully request the Examiner to please allow new claims 67-68 as presented herein.

## CONCLUSION

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked subject matter in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such subject matter may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

### Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

/Gregory D. Caldwell/  
Gregory D. Caldwell  
Registration No. 39,926  
Attorney for Applicants

Date: July 14, 2009

Blakely, Sokoloff, Taylor & Zafman LLP  
1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
Telephone: (503) 439-8778  
Facsimile: (503) 439-6073